

REMARKS

Upon entry of this Amendment, claims 1-3, 7, 16 and 18-20 will be all the claims pending in the application. Applicants amend claim 1 to recite “while rotating the tubular mouth member around its cylinder axis.” Claim 7 is amended for clarity. Support for the amendments can be found, *inter alia*, in original claim 7, in Fig 4, and in the specification at page 15, lines 23-25. Entry is respectfully requested.

Applicants appreciate the courtesies extended to Applicants’ representative during the telephonic interview conducted on May 19, 2009. Applicants’ separate record of the substance of the interview is that Examiner Harmon indicated that the amendment to claim 1, submitted herein, further clarifies what is being claimed and should be sufficient to overcome the art of record, but would require further consideration and search.

The Claims Are Patentable Under 35 U.S.C. § 103:

Claims 1-3, 7, 16, and 18-20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kazumasa (JP 7016956) in view of Hiramoto et al. (US 6,668,517).

Kazumasa is cited as disclosing a process and apparatus for producing a bag with a mouth member by melt bonding the tubular mouth member 1 comprising preheating mouth member 1 by radiant heat and welding the mouth 1 to flexible bag films 2.

The Examiner concedes that it is unclear if Kazumasa provides specific features during the process such as rotating mouth member 1.

Hiramoto is cited as allegedly teaching attaching mouth members to bag films comprising rotating tubular thermoplastic mouth members via mouth member rotator/transfer device 23

fitted to an endlessly connected moving device 22 (i.e. rotating shaft), which operates to move the mouth members and bag film through preheating station 4 and main sealing/heating station 5.

According to the Examiner, the mouth member rotator has supporting members 26 that slidably support the mouth members. Support member basal ends 26a are considered by the Examiner to be capable for removably fixing the mouth member to the support member and drive unit (i.e., motor).

The Examiner assumes that it would have been obvious to include rotating the tubular member of Kazumasa while heating, as taught by Hiramoto, in order to soften the material for the heat sealing process.

Regarding claim 3, the Examiner assumes that the bag is decompressed by the sandwiching movement of sealers 4 and 5. The Examiner thus takes the position that it would have been obvious to include evacuating/sucking air out of the bag during this operation in order to remove unwanted air from the bag interior.

Applicants respectfully traverse.

Amended claims 1 and 7, from which all remaining claims depend, describe a mouth-member rotator moving through a circuit affixed to an endlessly connected moving device (e.g. a conveyor belt). For example, the mouth member rotator of claim 1 travels through a circuit of preheating, inserting, pressing, and cooling, and removing by the endlessly connected moving device. See, for example, claim 1 and page 12, lines 1-22.

In contrast, the combined disclosure of Kazumasa and Hiramoto et al does not teach or suggest this configuration. The Examiner concedes that Kazumasa does not provide specific detail regarding rotating the mouth member; however, Hiramoto et al is cited for disclosing this feature. The Examiner takes the position that Hiramoto discloses attaching mouth members to bag films comprising rotating tubular thermoplastic mouth members via mouth member rotator device 23 fitted to an endlessly connected moving device 22 which operates to move the mouth members through preheating and main sealing stations. See Office Action at page 2. The Examiner has thus mischaracterized Hiramoto.

In particular, element 23 (which the Examiner identifies as a mouth member rotator device) is a rotating table (see col. 6, line 20), not a mouth-member rotator which rotates a tubular mouth member *around the tubular mouth member's cylindrical axis*, as recited in claims 1 and 7.

Further, relevant portions of Hiramoto's process are described in detail at cols. 14-15. Hiramoto et al describes a method including many rotating parts. Hiramoto describes inserting a "spout" in the bag beginning at col. 14, line 25, wherein the bag is fitted over the spout *with no apparent rotation*. The bag is then rotationally conveyed to a temporary sealing apparatus 4 in a "positioned" state. The temporary sealing apparatus includes a rotating holding shaft and a rotating sealing body. Next, the temporary sealing portion is pressed toward the sealing portions of the spouts wherein the spouts and the sealing portions of the bags are temporarily sealed. Spouts are then received in a transfer device 106. Hiramoto thus fails to disclose the limitation

AMENDMENT UNDER 37 C.F.R. § 1.114(c)
U.S. Application No.: 10/594,841

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“the mouth member rotator travels through a circuit of preheating, inserting, pressing, and cooling, and removing by the endlessly connected moving device.”

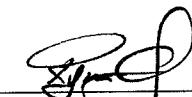
In view of the foregoing, none of claims 1-3, 7, 16, and 18-20 would have been obvious over Kazumasa (JP 7016956) in view of Hiramoto et al. (US 6,668,517).

Withdrawal of the rejection is earnestly solicited.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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